

POLICY NO: 4.1.23

STATE ADMINISTRATIVE TRIBUNAL

OBJECTIVES

To prescribe procedures for the City's administration for the most appropriate manner to deal with matters relating to the State Administrative Tribunal (SAT).

POLICY STATEMENT

1. The Chief Executive Officer is authorised to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.
2. It is noted that;
 - (a) in the first instance, it is proposed to use the City's senior employees (in liaison with qualified Town Planning consultants, where required) to defend Council decisions in the State Administrative Tribunal.
 - (b) where a decision of Council has been appealed a confidential report will be submitted to the Council. The report will include the City's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether a Council Member and/or a local member of the community should also appear as witnesses.
3. If there is insufficient time to report the matter to the Council, the Chief Executive Officer is authorised to make a response to the SAT, with appropriate conditions.

In relation to clause (2)(b) above, the following Guidelines and Policy Procedure is to be undertaken:

Date Adopted:	24 May 2005
Date Amended:	-
Date Reviewed:	1 February 2010
Date of Next Review:	February 2015

**GUIDELINES AND POLICY PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL -
POLICY NO. 4.1.23**

1. The City may engage the services of a qualified professional (agent) to represent the City in the subject SAT Review application.
2. Where a decision of Council has been appealed, a confidential report will be submitted to the Council advising of the SAT Review Application. The report will include:
 - 2.1 the City's response
 - 2.2 appropriate conditions (where required by the SAT); and
 - 2.3 will make a recommendation as to whether a Council Member and/or a local member of the community should also appear as witnesses.
3. Subject to (2) above, the City will notify all members of the public, community organisations, business proprietors or others who made written submissions on the proposal of the subject SAT Review application and invite nominations for involvement in the review process (it is preferable that the nominated persons own, reside in or occupy property adjacent to the subject site or represent a collective community interest, including local precinct groups or business group.
4. All witnesses appearing before the SAT will be provided with assistance in preparing witness statements. Witnesses are to be made aware that they will not be paid a witness fee and appear at the SAT at their own cost.
5.
 - 5.1 Where the SAT has directed the Council in a matter and requires a response and such response closing date does not allow for sufficient time for the City's Administration to prior report to the Council, the CEO is authorised to reply to the SAT with appropriate conditions.
 - 5.2 The City's draft response will be circulated to all Council Members for comment before replying to the SAT and will include details relating to the timeframe and closing date for comments. Council Members' comments will be included, wherever appropriate, in the City's response/submission to the SAT.
 - 5.3 After the matter has been determined and finalised by the SAT, the City's response/submission will be included in the Council Agenda Information Bulletin.